
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

HAROLD DICKERSON, JR.,

Plaintiff,

versus

TIMOTHY SPIKES, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:13-CV-581

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Harold Dickerson, Jr., an inmate confined at the Gist Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Timothy T. Spikes, Laura G. Zeno, David E. Jones, Sheryl A. Mizell, Alvin C. Bonface, Yolanda F. Nelson, and Carolyn C. Mayo.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the Report and Recommendation of the Magistrate Judge is **ADOPTED**. A separate

¹ After the report was entered, plaintiff filed a response in which he stated "in being cost effective and rational concerning court costs, plaintiff agrees to consolidate all other facts, pleadings, motions, notices, responses, etc., under Civil Action No. 1:13cv568." Plaintiff also asserted that this action is "declared ended through plaintiff's pursuit." Since maintaining this action would expose plaintiff to payment of the additional applicable filing fee, plaintiff's response is interpreted as a motion to dismiss the action. The dismissal is without prejudice.

final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 20th day of December, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE